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State of New Jersey

Department of Environmental Protection

Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

JUL 18 2001

Gordon S. Kuntz Ph.D.
Senior Environmental Project Manager
The Sherwin-Williams Company
101 Prospect Avenue, NW
Cleveland, Ohio 44115-1075

Re: Sherwin-Williams Gibbsboro Site (Paint Works Corporate Center)
February 6, 2001 – Remedial Investigation Report
February 6, 2001 – Letter responding to NJDEP's October 31, 2000 Comments

Dear Dr. Kuntz:

The New Jersey Department of Environmental Protection (NJDEP or Department) is in receipt of the above documents and a review has been conducted. The Department has determined that Sherwin-Williams February 6, 2001 response to the comments and revised Remedial Investigation Report (RI Report) have not satisfactorily addressed all of the deficiencies noted within the Department's October 31, 2000 comment letter. The Department's response to comments, stated below, will address some of the more glaring deficiencies noted in the Sherwin-Williams' response to comments letter and the revised RI Report. However, the Department did not include all deficiencies in order to maintain the focus of this letter on the issue of non-compliance. In addition, please note that the Department disagrees with many of the statements and conclusions made within the response to comments document and the revised report, however, not all of these deficiencies and disagreements have been expressed within this letter.

RESPONSE TO COMMENTS

Response to Comment 16: As stated in NJDEP comment 16, Section 3.2.2 of the report should discuss the modifications to the storm drain and parking lot, which were made by Sherwin Williams in 1996. These modifications may have altered the potential subsurface migration direction of floating product, which is important in determining the extent of this contamination. A discussion regarding the modification conducted on the storm sewer system was not incorporated into the report. Sherwin-Williams has failed to address the Department's comment.

Response to Comment 46: In comment 46, the Department outlines how to interpret detections of common laboratory contaminants and states that these contaminants cannot simply be dismissed outright. Although contaminants such as acetone and methylene chloride are commonly found because of laboratory cross contamination, these compounds have to be evaluated in order to ensure they are not truly present in the environment. This evaluation, as stated within the Department's regulations, is a fairly simple process. In response to the Department's comment, Sherwin-Williams states that because of time constraints they will just consider these common laboratory contaminants as contaminants of concern at this time. However, the report still states on page 5-2 that these common laboratory contaminants are not a concern. Sherwin-Williams' has not complied with the Department's requirement.

Response to Comments 51: The Department had required that PCB analysis be conducted in the area north of Tank Farm A because of the former use of a heat transfer fluid, in this area, which may have contained PCBs. Sherwin-Williams initially refused to conduct this sampling. Eventually, however, Sherwin-Williams indicated that they would analyze samples from this area for PCB contamination. Sherwin-Williams stated that they conducted the analysis in this area and did not detect PCB contamination. However, the data regarding this sampling has not been included in the report. The Department's comment stated that the results of the PCB analysis must be incorporated into the tables. In response to this requirement, Sherwin-Williams states that the information is provided in Appendix P, which is a conglomeration of tables of all the results over the last 11 years. The table that contained this information indicates that three samples were taken at depths of 5.5-6ft, 8-9.5ft and 12-12.5ft. Since Sherwin-Williams never submitted a sampling proposal to conduct this part of the remedial investigation, the Department did not approve this sampling. However, it is commonly known, in the environmental field, that PCBs readily bind to soil and do not readily migrate vertically through the soil column. For this reason, sampling for PCB contamination in soils is normally initiated at or close to the ground surface. Starting sampling at a depth of 5.5 feet below ground surface will generally not provide a true indication of PCB contamination at a site. For this reason, the Department finds that Sherwin-Williams is out of compliance with the Department's initial requirement to determine if the area was contaminated with PCBs.

Response to Comments 66: Sherwin-Williams' had previously concluded that contamination, detected in the subsurface soil samples within AEC II, is fully delineated. The Department disagreed with the conclusion and stated that the clean samples delineating the clean zone around the six contaminated samples must be identified. It is important to completely delineate contamination in order to be able to determine the appropriate remedy and to ensure that all the contamination is appropriately addressed. In response to this requirement, Sherwin-Williams states that additional activities are proposed in this area and that the issue should be deferred until the additional activities are completed. However, a review of the submitted workplan did not indicate any additional investigative activities in this area. Therefore, there has been no adequate justification provided for this issue to be deferred. Sherwin-Williams' response to this comment is not in compliance with the Department's requirements.

Response to Comments 74: The Department's comment required that re-sampling of ground water for pentachlorophenol be conducted, preparation of a ground water isopleth map of each dissolved contaminant for each area of concern be provided, and a classification exception area be prepared for all areas of impacted ground water. In response, Sherwin-Williams revised the report to indicate additional ground water sampling would be conducted and that a CEA would be established once ground water was delineated. However, the extent of shallow aquifer contamination is still incorrectly depicted within the revised report. The extent of groundwater contamination must be accurately depicted in order to properly determine and engineer an appropriate remedy. Otherwise, the chosen remedial action may not capture all of the contamination, which in turn may allow for a receptor such as a well or stream to be impacted. The Department requires that all groundwater-sampling locations be used in preparing the isopleth maps submitted for the shallow aquifer contaminants of concern. Therefore, in respect to revising the ground water isopleth maps, Sherwin-Williams' response is not in compliance with the Department's requirements.

REVISED REPORT REVIEW - COMMENTS

Section 3.2 – History of Investigations

Section 3.2.2 (AEC I/III)

1. In this section there is a discussion regarding the shallow groundwater samples taken during the Phase I Investigation. However, the sample data from these samples are not provided in the tables section of the report. A complete set of data is required in order for the Department to properly evaluate any remedial decision, which must be based on all data. Without all the data the Department cannot determine if the proposed remediation is protective of human health and the environment. The lack of this information is considered a deficiency.

Section 3.2.2.6, Free Product Analysis

2. It is stated on pages 3-30/31 that based on results of the product analyses, the two product samples from MW-11 and MW-26 exhibited markedly different chromatograms. This statement contradicts other sections of the report where it is stated that product collected from these wells appears to have originated from a single source. The apparent contradictions noted in the report are a deficiency.

Section 4.3 Analytical Results

Section 4.3.3.2 – Groundwater AECI/III

3. On page 4-14 there is a discussion concerning shallow groundwater screening samples (SGW samples). The first paragraph of this section references Table 4-13 as containing the SGW sample results. However, Table 4-13 is labeled "Analysis of Groundwater Headspace Samples". In fact Table 4-13 was provided as 11 copies of the same page. In addition, the SGW samples represented in the table are not indicated on the sample location map (figure 3-2). There were 37 additional SGW samples taken during the phase II investigation which are represented on figure 3-2 but not discussed in the report or presented in the summary tables. The omission of these 37 additional sample results changes the interpretation of the extent and origin of the contamination, which could in turn result in the implementation of a remedy which is not protective of human health and the environment. For this reason, the omitted information makes the report deficient.

4. There is a reference to a BTEX isoconcentration map (figure 4-9) of the SGW sample results in the third paragraph on page 4-14. Figure 4-9 only provides the results from some of the phase I shallow groundwater-screening samples. Again, as indicated in comment 3 above, the phase II shallow ground water screening samples have been omitted from the figures. This omission makes the report deficient.

Section 4.4 Free-phase Product

5. It is stated on pages 4-19 and 4-25 that no product is present in MW-29. However, the text on page 4-27 and in section 5.2.1.1 on pages 5-9 through 5-12 indicates that product was detected in MW-29. This discrepancy creates confusion with regard to where floating product is and is not present. The contradictory information is a deficiency.

Section 4.4.2, Free Product Composition:

6. The report vaguely discusses the gas chromatogram analytical data on 14 product samples collected from 4 Soil Vapor Extraction wells and 10 monitor wells at the site. However no data is provided for the product samples collected from the following monitor wells: MW-27, 29, 13R, 24, 30, 32, and 36. The Department cannot properly evaluate the conclusions

Sherwin-Williams makes from this information without the appropriate data. The missing product characterization data for these other monitor wells is a deficiency of the report.

Section 4.5 Septic Tanks

7. The second paragraph on page 4-31 states, "As summarized in the accompanying table, soils collected from the unsaturated zone next to Septic System IV, exhibited high concentrations of tentatively identified compounds (TICs). Since these samples were collected well above the water table, the detected TICs must have originated from materials disposed of in the septic tank." The accompanying table lists Volatile Organic Analyte (VOA) TICs for TB-07 (at both 0-3 ft and 3-6 ft). However, the boring logs indicate that the sample depths for TB-07 were taken at 0-0.5 ft and 2-2.5ft. If the samples for TB-07 were taken at the 0-0.5 ft and 2-2.5 ft as indicated in the log, it is not related to the septic system since these sample depths would be above the laterals for the septic system. In addition, according to eyewitness accounts by inspectors from the Camden County Health Department, strong petroleum odors were noted during the installation of this septic system indicating the contamination was present prior to the installation of the septic system. For the above noted reasons, the Department does not agree with Sherwin-Williams conclusion.

   This section also neglects to identify that Sherwin-Williams used this area for drum storage, and that a former solvent pumping station was in close proximity. This section is deficient in that it misrepresents sample depths and ground water levels and does not incorporate all pertinent information regarding the existence of contamination and former operation prior to the installation of the septic systems.

Since 1992, Sherwin-Williams has submitted five remedial investigation reports to the Department related to the investigation of this site. Because of unresolved issues since the submission of the second report in 1994, the Department has not found any of these reports to be consistent with the Technical Requirements for Site Remediation and therefore no approvals have been granted (with the exception of the Phase I Report submitted in 1992). In response to the deficiencies that the Department had noted with each report submission, Sherwin-Williams would propose to continue with the investigation and address the unresolved issues with the next report submittal. In the interest of moving ahead with the investigation, the Department agreed to this approach. However, in response to the submission of the last report, the Department expressed its position that an approvable report is required which conformed to the Department's comments as iterated in its October 31, 2000 letter prior to moving ahead with additional investigations. Sherwin-Williams was initially provided 30 days to conform to the Department's October 31, 2000 comments and then was allowed 60 additional days, with the explicit instruction that Sherwin-Williams was to provide a report that conformed to all of the Department's comments.

As noted in the above comments, the report has not been modified to conform to all of the Department's comments and Sherwin-Williams has not provided the Department with an approvable report. As such, the September 20, 1990 Administrative Consent Order is hereby terminated, as further discussed in a separate letter enclosed herewith.

If you have any questions regarding this matter you may contact either John Doyon, Case Manager, at 609 633-0713 or Gwen Zervas, Section Supervisor, at 609 633-7261.

Sincerely,

Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

c. John Doyon, Case Manager
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